IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 9008 of 2007(V)

PETITIONER:

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1. SAINABA.K. RESIDING AT KOMBATH,
   CHOLODE, PALODE P.O., THACHANATTUKARA VILLAGE,
   PALAKKAD.

2. KHADEEJA, RESIDING AT THITTUMMAL,
   PALODE P.O., THACHANATTUKARA VILLAGE,
   PALAKKAD.

3. THITTUMMAL SAIDALAVI, S/O.KUNHAYAMU,
   RESIDING AT PALODE P.O., THACHANATTUKARA VILLAGE,
   PALAKKAD.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.JIBU P THOMAS
SRI.SUNIL J.CHAKKALACKAL

RESPONDENTS:

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1. THE ADDITIONAL DISTRICT MAGISTRATE,
   PALAKKAD.

2. THE ASSISTANT EXECUTIVE ENGINEER,
   ELECTRICAL SUB DIVISION,
   KERALA STATE ELECTRICITY BOARD,
   CHERPLACHERRY, PALAKKAD.

3. THE THACHANATTUKARA GRAMA PANCHAYATH,
   REPRESENTED BY ITS SECRETARY,
   PALODE P.O., PALAKKAD DISTRICT.

4. CHANDRAN, RESIDING AT
   CHANGANANGATTIL HOUSE, PALODE P.O.,
   THACHANATTUKARA VILLAGE, PALAKKAD.

5. MANI ALIAS NAPPAN, RESIDING AT
CHANGANANGATTIL HOUSE, PALODE P.O.,
THACHANATTUKARA VILLAGE, PALAKKAD.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB
SRI.JACOB SEBASTIAN
ADV. SHRI.P.P.THAJUDEEN, SC – FOR R2
ADV. SHRI.ANANTHAKRISHNAN – FOR R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC No. 9008/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE PETITION FILED BY THE 2ND RESPONDENT DATED 28/11/2006.

P2 : COPY OF THE APPLICATION FOR IMPLEADING FILED BY THE PETITIONERS DATED 27/02/2007.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 9008 of 2007

Dated, this the 21st day of June, 2007

J U D G M E N T

Heard learned counsel for the petitioners and the learned counsel appearing for contesting respondents. Petitioners are objecting charging of the electric line already drawn by the KSEB, which is funded by the 3rd respondent Panchayat. Even though petitioners submitted that line is passing over their residential buildings, it is seen from Ext.P1 sketch produced by the petitioners that line is passing only over a road or pathway and as many as 10 posts are installed. Therefore, the contention of the petitioners that line is passing over their buildings appeared to be totally incorrect. The learned counsel for the KSEB also submitted that line is passing over a pathway. I make it clear that if there is no sufficient clearance for the line from the buildings, i.e, if line is dangerously close to any building, it should be charged only after converting that stretch of line passing close to the buildings through insulated cable or by drawing cable through PVC pipe, which should be done at the cost of the Panchayat, which has funded for the project. However, if the line does not pause any danger to the houses of

petitioners, nothing needs to be done. KSEB should charge the line immediately after verification.

Issue photocopy of this judgment today itself.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg